

PROB 12B
(NYEP-11/25/02)

United States District Court
for the
Eastern District of New York

RECEIVED
12/15/05
CHAMBERS OF
I. LEO GLASSER
U. S. D. J.

Request for Modifying the Conditions or Term of Supervision
with Consent of the Offender
(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: Benjamin Castellazzo

Case Number 00 CR 840-S-1

Name of Sentencing Judicial Officer: I. Leo Glasser, Senior U.S. District Judge

Date of Original Sentence: February 27, 2002

Original Offense: Conspiracy to Collect Extortionate Extensions of Credit

Original Sentence: 36 months custody; 3 years supervised release; \$5000 fine; \$100 special assessment fee

Type of Supervision: Supervised release

Date Supervision Commenced: December 7, 2004

PETITIONING THE COURT

- ☐ To extend the term of supervision for 0 years, for a total term of 3 years supervised release years.
- ☒ To modify the conditions of supervision as follows:

The defendant is to be confined to his residence for a period of thirty (30) days commencing at the direction of the U.S. Probation Officer. The defendant shall be required to be at this residence at all times except for approved absences for gainful employment, community service, religious services, medical care, educational or training programs and at other such times as may be specifically authorized by the U.S. Probation Office. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures. The defendant shall permit the probation officer access to the residence at all times and maintain a telephone at the residence without any custom services or portable, cordless equipment. The defendant shall comply with any other specific conditions of home confinement as the probation officer requires. The defendant shall pay the costs of electronic monitoring, specifically \$3.26 per day.

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CAUSE

By virtue of his residence in Manahawkin, New Jersey, the offender has been under the supervision of the U.S. Probation Office for the District of New Jersey since his December 7, 2004 release from custody. The District of New Jersey probation officer has advised of the offender's failure to comply with his conditions of supervised release.

On December 17, 2004, the probation officer permitted the offender to travel to Brooklyn, New York for the purpose of meeting with his cardiologist. He was directed to return to New Jersey immediately following his appointment. The offender failed to comply with the probation officer's instructions and made two additional stops in Brooklyn, New York before returning to New Jersey. The District of New Jersey probation officer issued a letter of reprimand to the offender in response to the above transgression.

On November 9, 2005, the District of New Jersey probation officer observed the offender at the Monmouth County Rest Area on the Garden State Parkway. The offender was engaged in a conversation with his co-defendant, Ronald Giordano. When confronted by the probation officer, the offender denied that he and Giordano planned to meet at the rest stop. He claimed, however, that they just happened to run into each other.

The offender acknowledged that he violated his conditions of supervised release. In lieu of violation of supervised release proceedings, the offender agreed to serve thirty (30) days on home confinement. He signed the attached waiver, acknowledging his entitlement to a violation of supervised release hearing and representation by counsel. As the District of New Jersey Probation Office deems the above sanction sufficient enough to address the offender's violation of supervised release conduct, we recommend that Your Honor modify the offender's conditions of supervised release, by imposing a special condition for home confinement, for a period of thirty (30) days.

Respectfully submitted by,

Karen W. Hill

Karen W. Hill

U.S. Probation Officer

Date: December 12, 2005

Approved by,

George V. Doerrbecker

George V. Doerrbecker

Deputy Chief U.S. Probation Officer

Date: 12-14-05

THE COURT ORDERS:

- ☐ No Action
- ☐ The Extension of Supervision as Noted Above
- ☒ The Modification of Conditions as Noted Above
- ☐ Other

Signature of Judicial Officer

Date

12/15/05